

SUPERIOR COURT

SUPERIOR COURT OF
THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION

OF THE

2011 MAY 10 P 4: 43

DISTRICT OF COLUMBIA

Holding a Criminal Term

FILED

Grand Jury Sworn in on March 28, 2011

THE UNITED STATES OF AMERICA :

Criminal Nos: 2010CF122068

2010CF122180

v. :

KWAN D. KEARNEY :

PDID: 574-578 :

LARNELL C. ALLEN :

PDID: 587-373 :

Violations:

22 D.C. Code, Sections 2101, 2104.01(b)(5),
4502;

22 D.C. Code, Section 4504(b);

22 D.C. Code, Sections 401, 4502;

22 D.C. Code, Section 404.01, 4502;

22 D.C. Code, Section 4504(a);

22 D.C. Code, Section 4503(a)(1) (2001 ed.)

(First Degree Murder While Armed
(Premeditated) With Aggravating
Circumstances; Possession Of a Firearm
During Crime Of Violence Or Dangerous
Offense; Assault With Intent To Kill While
Armed; Aggravated Assault While Armed;
Carrying a Pistol Without a License (Outside
Home or Place of Business); Unlawful
Possession of a Firearm)

The Grand Jury charges:

FIRST COUNT:

Kwan D. Kearney and Larnell C. Allen, within the District of Columbia, while armed with a firearm, purposely and with deliberate and premeditated malice, killed Joseph Sharps, Jr. by shooting him with a firearm on or about November 8, 2010, thereby causing injuries from which Joseph Sharps, Jr. died on or about November 8, 2010. (First Degree Murder While Armed (Premeditated), in violation of 22 D.C. Code, Sections 2101, 2104.01(b)(5), 4502 (2001 ed.))

The Grand Jury Further Charges:

At the time of the murder set forth in the first count of the indictment, the following aggravating circumstances existed: the murder was a drive-by or random shooting.

SECOND COUNT:

On or about November 8, 2010, within the District of Columbia, Kwan D. Kearney and Larnell C. Allen did possess a firearm, while committing the crime of first degree murder while armed as set forth in the first count of this indictment. (Possession Of a Firearm During Crime Of Violence Or Dangerous Offense, in violation of 22 D.C. Code, Section 4504(b) (2001 ed.))

THIRD COUNT:

On or about November 8, 2010, within the District of Columbia, Kwan D. Kearney and Larnell C. Allen, while armed with a firearm, assaulted De 'Onte Bilbro with intent to kill him. (Assault With Intent To Kill While Armed, in violation of 22 D.C. Code, Sections 401, 4502 (2001 ed.))

while armed as set forth in the third count of this indictment. (Possession Of a Firearm During Crime Of Violence Or Dangerous Offense, in violation of 22 D.C. Code, Section 4504(b) (2001 ed.))

FIFTH COUNT:

On or about November 8, 2010, within the District of Columbia, Kwan D. Kearney and Larnell C. Allen, while armed with a firearm, knowingly and purposely caused serious bodily injury to De 'Onte Bilbro, or under circumstances manifesting extreme indifference to human life, Kwan D. Kearney and Larnell C. Allen intentionally and knowingly engaged in conduct which created a grave risk of serious bodily injury to De 'Onte Bilbro, and thereby caused serious bodily injury to De 'Onte Bilbro. (Aggravated Assault While Armed, in violation of 22 D.C. Code, Section 404.01, 4502 (2001 ed.))

SIXTH COUNT:

On or about November 8, 2010, within the District of Columbia, Kwan D. Kearney and Larnell C. Allen did possess a firearm, while committing the crime of aggravated assault while armed as set forth in the fifth count of this indictment. (Possession Of a Firearm During Crime Of Violence Or Dangerous Offense, in violation of 22 D.C. Code, Section 4504(b) (2001 ed.))

SEVENTH COUNT:

On or about November 8, 2010, within the District of Columbia, Kwan D. Kearney, previously having been convicted of a felony or a violation of 22 D.C. Code, Section 4504(a) (2001 ed.), did carry, openly and concealed on or about his person, in a place other than his dwelling place, place of business or on other land possessed by him, a pistol, without a license issued pursuant to law. (Carrying a Pistol Without a License (Outside Home or Place of Business), in violation of 22 D.C. Code, Section 4504(a) (2001 ed.))

EIGHTH COUNT:

On or about November 8, 2010, within the District of Columbia, Larnell C. Allen did carry, openly and concealed on or about his person, in a place other than his dwelling place, place of business or on other land possessed by him, a pistol, without a license issued pursuant to law. (Carrying a Pistol Without a License (Outside Home or Place of Business), in violation of 22 D.C. Code, Section 4504(a) (2001 ed.))

exceeding one year owned, kept and had within his possession and control, a firearm. (Unlawful

Possession of a Firearm, in violation of 22 D.C. Code, Section 4503(a)(1) (2001 ed.))

Ronald C. Machen Jr.

RONALD C. MACHEN JR.

United States Attorney

in and for the District of Columbia

A TRUE BILL:

Foreperson

A handwritten signature, possibly reading "J. Smith", written in black ink. It consists of a large, stylized capital letter "J" followed by a surname that appears to be "Smith".